

Statement of Michael D. Brown

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Technology and Economic Growth

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Good afternoon, Mr. Chairman. I am Michael Brown, General Counsel of the Federal Emergency Management Agency. FEMA Director Joe M. Allbaugh asked me to represent him today, and regrets that he is unable to be here.

FEMA is pleased to appear before you today to discuss the reauthorization of the Defense Production Act—the Nation’s major statute for mobilization readiness. As you know, the non-permanent provisions in Titles I, III, and VII will expire on September 30. The expiration of these provisions could have a severe impact on the Nation’s emergency resource preparedness to meet threats to our national security—including a terrorist weapon of mass destruction. We may also need to use DPA authorities to respond to *catastrophic* civil emergencies.

The Administration views the possibility of such expiration as disruptive to ongoing programs under the Act. FEMA requests that a reauthorization of at least three years be considered by the Congress to ensure the continuation of these programs.

FEMA intends to carry out our responsibilities under Executive Order 12919. Specifically, the FEMA Director’s delegated responsibilities for coordination and support under E.O. 12919 are to:

- Serve as an advisor to the NSC on DPA authorities and national security resource preparedness issues and report on activities conducted under the order;
- Provide central coordination of the plans and programs incident to the authorities under the order;
- Develop guidance and procedures under the DPA that are approved by the NSC;
- Attempt to resolve issues on resource priorities and allocations;
- Make determinations on the use of priorities and allocations for essential civilian needs supporting the national defense; and

- Coordinate the National Defense Executive Reserve (NDER) program activities of departments and agencies in establishing NDER units and provide guidance for recruitment, training and activation.

In implementing its responsibilities, FEMA supported the NSC in coordinating the updating of Executive Orders relating to the DPA and chairing an interagency effort resulting in the President's Report to the Congress on the Modernization of the Defense Production Act submitted in 1997. In 1997, FEMA aided the Federal Bureau of Investigation in obtaining equipment in their counter-intelligence role. We are currently developing new delegations for the FEMA Director to use DPA authorities in support of catastrophic emergencies when needed materials and services are not available in a timely fashion.

At the Federal level, FEMA is the lead agency for domestic consequence management. We work with other departments and agencies to ensure that the Federal Government is prepared to respond to the consequences or potential consequences of an incident as they relate to public health, safety, and property. DPA authorities are available to support consequence management—specifically those all-hazards emergency preparedness activities defined under Title VI of the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

The term “emergency preparedness” means all those activities and measures designed or undertaken to:

- Prepare for or minimize the effects of a hazard upon the civilian population, such as procurement and stockpiling of materials and supplies;
- Respond to the hazard; and
- Recover from the hazard.

As you can see, the scope of these activities includes the preparedness, response and recovery phases of a disaster.

FEMA's new Office of National Preparedness will be coordinating and integrating Federal preparedness activities in support of developing and building the national capability to manage the consequences of a terrorist incident involving a weapon of mass destruction. As part of this integration effort, the Office will be looking at the range of available authorities that can support terrorism preparedness and response, to include DPA authorities, as appropriate.

In summary, FEMA is committed to fulfilling its coordination responsibilities under E.O. 12919. In addition, the DPA's linkage to the Stafford Act ensures the availability of needed resources when the Nation is facing a catastrophic disaster—whether natural or manmade.

I thank you for the opportunity to appear today. I would be pleased to answer any questions you may have.